

Human Rights in Vietnam

Testimony before the House Committee on International Relations

Statement by

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Human Rights Watch appreciates the opportunity to testify today on the human rights situation in Vietnam. With this week's historic visit to the U.S. of Vietnamese Prime Minister Phan Van Khai—the first such visit since the end of the war thirty years ago—the Administration has a unique opportunity to vigorously press Vietnam to improve its dismal human rights record. Religious freedom, repression of dissidents, and the release of political and religious prisoners should top the agenda.

As a party to the International Covenant on Civil and Political Rights (ICCPR), Vietnam is obligated to respect and uphold fundamental human rights. These rights are especially important now as the country struggles with issues of corruption, the future development and implementation of economic and political policies, and problems concerning ethnic minorities, good governance, and the rule of law.

Highly publicized steps taken by Vietnam during recent years to liberalize the economy, including the signing of a landmark trade agreement with the United States, have not been accompanied by rights improvements. Hundreds of dissidents have been jailed on criminal charges simply for advocating democratic reforms or using the Internet to disseminate proposals for human rights and religious freedom.

Other government critics—including prominent writers and former communist party veterans—are effectively silenced and isolated from the outside world by having their telephone lines cut or tapped, police stationed in front of their homes, or being placed under surveillance and house arrest.

Followers of religions not officially recognized by the government are routinely persecuted. Security officials disperse their religious gatherings, confiscate religious literature, and summon religious leaders to police stations for interrogation. Targeted in particular are members of the Unified Buddhist Church of Vietnam, Mennonites, Cao Dai followers, Hoa Hao Buddhists, and ethnic minority Christians in the northern and central highlands.

In 2004, the U.S. designated Vietnam as a Country of Particular Concern for its violations of religious freedom. International pressure has resulted in a number of prisoner releases this year and the passage of legislation ostensibly aimed at loosening requirements for Christian churches to register with the government.

Much more remains to be done, however, to address Vietnam's repressive policies. Hundreds of religious and political prisoners remain behind bars—the vast majority of whom are Montagnard Christians imprisoned since unrest broke out in the Central Highlands in 2001. There has been no let-up in the practice of authorities forcing minority Christians to recant their faith.

At the same time, for many ordinary citizens of Vietnam there have clearly been areas of gradual improvement in recent years, particularly in the economic sector. Restrictions on everyday life for most citizens have eased noticeably as the market economy has taken hold. Travel within Vietnam is easier. Surveillance of ordinary citizens through the country's extensive network of monitors has become less intrusive. But despite these advances, Vietnam continues to violate the basic rights of individuals and groups that the government considers to be "subversive."

Human Rights Watch welcomes today's hearings and the strong bipartisan Congressional interest in promoting basic rights and freedoms in Vietnam. During—and after—the visit of Vietnam's prime minister, U.S. government and business leaders should use their leverage to encourage Hanoi to repeal repressive policies.

President Bush has raised expectations with his call for democracy and more open societies around the world. The visit of Prime Minister Phan Van Khai is an important test of the Administration's willingness to press countries such as Vietnam to uphold basic rights and freedoms. We hope that President Bush will ask the prime minister to release and exonerate all people imprisoned, detained or placed under house arrest because of their non-violent political or religious beliefs and practices.

We also hope that members of Congress will continue their interest in rights conditions in Vietnam. We urge you to visit Vietnam and raise human rights concerns with leading government officials, to continue to speak out on behalf of human rights through resolutions and letters to Hanoi, and to urge the Administration to strongly defend the rights of those who are detained, harassed, or put under house arrest for peacefully expressing their views. We support assistance for basic rule of law reform in Vietnam, including reform of criminal and national security laws.

Human Rights Watch also hopes that U.S. companies helping to develop the Internet in Vietnam will protest to Vietnamese authorities the detention of individuals using the web in ways the government finds politically sensitive or embarrassing to the state and party. The Internet is emerging as an increasingly useful vehicle for free expression in Vietnam. American companies should make it clear that protecting the right to free expression online is as important as protecting intellectual property rights.

Key Human Rights Issues in Vietnam

In our testimony today, Human Rights Watch would like to describe the key human rights problems in Vietnam and present our recommendations to Congress.

Controls over Freedom of Expression and the Internet

There is no independent, privately-run media in Vietnam. Domestic newspapers, television and radio stations remain under strict government control. Foreign media representatives are required to obtain authorization from the Foreign Ministry for all travel outside Hanoi. Although journalists are occasionally able to report on corruption by government officials, direct criticism of the Party is forbidden.

In an example of criminal prosecutions of journalists, in January 2005 Nguyen Thi Lan Anh, a reporter for the *Tuoi Tre* (Youth) newspaper was indicted in January 2005 on charges of “appropriating state secrets” after publishing investigatory articles about a drug company’s monopoly of the market.

The government maintains strict control over access to the Internet. It blocks websites considered objectionable or politically sensitive and strictly bans the use of the Internet to oppose the government, “disturb” national security and social order, or offend the “traditional national way of life.”

Decision 71, issued by the Ministry of Public Security in January 2004, requires Internet users at public cafés to provide personal information before logging on and has increased the pressure on Internet café owners to monitor customers’ email messages and block access to banned websites.

In 2004 the Ministry of Public Security created a new office to monitor the Internet for “criminal” content, a measure that appears to be aimed in part at intimidating people from circulating any information that authorities could deem to be a “state secret” or otherwise unauthorized.

In an example of official control of cyberspace, in April 2004 the government closed down Vietnam International News 24-Hour, an unlicensed website that had reprinted a BBC article about Easter demonstrations by Montagnards in the Central Highlands.

Arrests of Democracy Activists and “Cyber-Dissidents”

Several dissidents and democracy activists have been arrested and tried during the last several years on criminal charges—including espionage and other vaguely worded crimes against “national security”—for disseminating peaceful criticism of the government or calling for multi-party reforms in written statements or through the Internet.

In a recent case, authorities harassed, detained, and interrogated dissident Do Nam Hai, who has called for multi-party reform and criticized the government in articles posted on the Internet and in open letters to the Central Committee of the Communist Party of Vietnam. After being interviewed by Radio Free Asia in October 2004, police searched his home, confiscated his computer, and then reportedly erased the contents of the hard drive.

Legislation remains in force authorizing the government to detain without trial for up to two years anyone suspected of “threatening national security” without meaningful judicial review.

Cyber-dissidents who have been sentenced to prison on criminal charges include Pham Hong Son, currently serving five years’ imprisonment on espionage charges after he wrote and disseminated articles about democracy and communicated by e-mail with “political opportunists” in Vietnam and abroad; Nguyen Khac Toan, arrested in an Internet café and sentenced in 2002 to twelve years’ imprisonment for having “vilified and denigrated Party and state officials, sending emails providing information to certain exiled Vietnamese reactionaries in France”; and Nguyen Vu Binh, a journalist who was sentenced to seven years’ imprisonment after he criticized the government in an article distributed over the Internet.

Violations of the Right to Freedom of Religion

The government seeks to exercise control over virtually every aspect of religion, from ordination of Catholic clergy to prohibition of flood relief efforts by the non-sanctioned Buddhist organization, the Unified Buddhist Church of Vietnam.

Despite the recent high-profile prisoner releases and new directives on religion, the government continues to arrest and imprison ethnic minority Christians in the northwestern provinces and Central Highlands and pressure them to recant their faith and cease all political or religious activities in public self-criticism sessions or by signing written pledges.

In an ironic twist, local officials are using the new religious regulations issued earlier this year as grounds to arrest minority Christians suspected of belonging to Christian groups that operate independently of the government.

Ethnic Hmong Christians in the northwest provinces have been beaten, detained, and pressured by local authorities to renounce their religion and cease religious gatherings. Human Rights Watch has received credible reports of the beating deaths in 2002 and 2003 of two Hmong Christians by authorities who were pressuring them to abandon their faith. Recently the military presence in several villages in Lai Chau has increased, causing more than 100 Hmong Christian families to flee from their homes.

In the Central Highlands, the government has increased its persecution of members of ethnic minorities (collectively known as Montagnards), particularly those thought to be following “Dega Protestantism.” This is a form of evangelical Christianity, banned by the Vietnamese government, which links it to the Montagnard movement for return of ancestral lands, religious freedom, and self-rule. Since 2001, when thousands of Montagnards first joined widespread protests for land rights and religious freedom, the government has launched an official campaign to eradicate “Dega Protestantism.”

Since 2001 close to 200 Montagnard Christians—not only Dega church activists, but pastors, house church leaders, and Bible teachers as well—have been arrested and sentenced to prison terms of up to thirteen years. Many have been imprisoned on charges that they are violent separatists using their religion to “sow divisions among the people” and “undermine state and party unity.” There is no evidence that the Dega church movement has ever advocated violence. By arresting and imprisoning people for their religious beliefs and peaceful expression of their views, Vietnam is in violation of the International Convention on Civil and Political Rights, to which it is a party.

According to recent eyewitness accounts obtained by Human Rights Watch, local authorities in the Central Highlands have used the new regulation as grounds to arrest Montagnards suspected of belonging to Christian groups that operate independently. In addition, we are receiving a steady stream of reports of forced renunciation ceremonies, which actually seem to be occurring with greater frequency since the passage of directives banning such practices.

For example, in mid-June police and soldiers went to many villages in Bo Ngong commune, Cu Se district of Gia Lai province, where they forced Montagnard villagers to join the government-sanctioned Evangelical Church of Vietnam. During the same time period, authorities in Ia Piar commune, Ayun Pah district, Gia Lai forced Montagnard Christians to sign pledges renouncing their faith. Those who didn’t know how to sign were forced to fingerprint the pledges. We have received dozens of reports like these since March of this year.

Members of the Mennonite Church have also come under fire recently, in part because of the outspoken and at times confrontational style of Rev. Nguyen Hong Quang, the activist leader of the Mennonite Church in Vietnam. In 2004 Rev. Quang and five other Mennonites were arrested on charges of resisting police officers after a scuffle broke out in March 2004 with undercover policemen who had been monitoring their Ho Chi Minh City church. Quang and Evangelist Pham Ngoc Thach are currently serving three and two year sentences respectively. Ms. Le Thi Hong Lien was amnestied because of international pressure at the end of April, 2005 two months before the end of her one-year sentence. She had been sent to the Bien Hoa Mental Hospital at the end of February, having suffered a mental breakdown due to physical and mental abuse in prison. The remaining three – all of whom were beaten in custody - were released after serving their sentences.

Mennonites in other parts of the country have also encountered difficulties. On two separate occasions during 2004, officials in Kontum province bulldozed a Mennonite chapel that doubled as the home and office of Pastor Nguyen Cong Chinh, superintendent of the Mennonite churches in the Central Highlands. In September and October 2004, police pressured Mennonites in Kontum and Gia Lai provinces to sign forms renouncing their religion.

While one monk from the banned Unified Buddhist Church of Vietnam (UBCV), Thich Thien Mien, was included in the Lunar New Year prisoner amnesty, the government continues to persecute UBCV members and withhold any recognition of this group, once the largest organization of the majority religion in the country. In 2003, four UBCV monks were formally sentenced without trial to two years' administrative detention. Many other UBCV members remain confined without charges to their pagodas, which are under strict police surveillance. Their phone lines are cut or monitored and movement in and out of the pagodas is restricted. The UBCV's Supreme Patriarch, Thich Huyen Quang and its second-ranking leader, Thich Quang Do have been confined to their monasteries for years, effectively living under "pagoda arrest".

Members of the Hoa Hao sect of Buddhism have also been subject to police surveillance and several Hoa Hao members remain in prison. The sect was granted official status in May 1999, although government appointees dominate an eleven-member Hoa Hao Buddhism Representative Committee established at that time.

Although relations between Vietnam and the Vatican have improved in recent years, the government continues to restrict the number of Catholic parishes, require prospective seminarians to obtain government permission before entering the seminary, and maintain defacto veto power over Roman Catholic ordinations and appointments.

At least three Catholics—members of the Congregation of the Mother Co-Redemptrix—continue to serve twenty year prison sentences imposed in 1987 for conducting training courses and distributing religious books without government permission. They were convicted of security offenses, including "conducting propaganda to oppose the socialist regime," "undermining the policy of unity," and "disruption of public security."

Arbitrary Arrest, Mistreatment and Torture, and Unfair Trials

Police officers routinely arrest and detain suspects without written warrants, and authorities regularly hold suspects in detention for more than a year before they are formally charged or tried.

Prison conditions in Vietnam are extremely harsh and fall far short of international standards. Human Rights Watch has received reports of solitary confinement of detainees in cramped, dark, unsanitary cells; lack of access to medical care; and of police beating, kicking, and using electric shock batons on detainees.

Political trials are closed to the international press corps, the public, and often the families of the detainees themselves. Defendants do not have access to independent legal counsel. More than one hundred death sentences were issued in 2004, with twenty-nine crimes considered capital offenses under the penal code, including murder, armed robbery, drug trafficking, many economic crimes, and some sex offenses.

Recommendations:

During his meeting with Prime Minister Phan Van Khai, U.S. President George W. Bush should press Vietnam to take the following steps:

1. Immediately release or exonerate all people imprisoned, detained, or placed under house arrest (so-called “administrative detention”) because of their non-violent political or religious beliefs and practices. Cease surveillance and harassment of dissidents including those released from prison or detention.
2. Take urgent measures to end torture and other mistreatment of detainees. Investigate reports of torture and prosecute those responsible.
3. End the practice of detaining and prosecuting Vietnamese in secret, and in particular make public the names of all persons held for political and related activities.
4. Allow independent religious organizations to freely conduct religious activities and govern themselves. Recognize the legitimate status of churches and denominations that do not choose to join one of the officially-authorized religious organizations whose governing boards are under the control of the government. Allow these religious organizations to independently register with the government.
5. Urge the Vietnamese government to end its censorship and control over the domestic media, including the Internet and electronic communications. Authorize the publication of independent, privately-run newspapers and magazines.
6. Investigate reports of torture and beatings, including beating deaths, of ethnic minority Christians in both the northwestern provinces and the Central Highlands, and bring those responsible to justice. Cease the repression of ethnic minority Protestants, including bans on religious gatherings and other meetings, pressure to renounce one’s faith, and abusive police surveillance of religious leaders.
7. Address the grievances of the indigenous minorities (Montagnards) of the Central Highlands, including land confiscation, repression of religious freedom, lack of educational opportunities, pressure to join family planning programs, and restriction of freedom of assembly, association, and of movement.

8. Ensure that all domestic legislation is brought in conformity Vietnam's obligations under international human rights law, such as the International Covenant on Civil and Political Rights. Amend provisions in domestic law that criminalizes dissent and certain religious activities on the basis of imprecisely defined "national security" crimes. Specifically, amend or repeal Vietnam's Criminal Code to bring it into conformity with international standards. Eliminate ambiguities in the Criminal Code's section on crimes against national security, to ensure that these laws cannot be applied against those who have exercised their basic right to freedom of expression.
9. Achieve greater transparency and accountability in the criminal justice system and work towards the establishment of an independent and impartial judiciary. Give advance notification of trial dates and allow international observers and independent monitors access to trials and to persons in pretrial or administrative detention and in prison.
10. Repeal the 1997 Administrative Detention Directive 31/CP, which authorizes detention without trial for up to two years for individuals deemed to have violated national security laws. The government should ensure that all detainees receive a fair trial within a reasonable time as required under international law.
11. Permit outside experts, including those from the United Nations and independent international human rights organizations, to have access to dissidents and religious followers in Vietnam, including members of denominations not officially recognized by the government.
12. Invite the U.N. Special Rapporteur on Religious Intolerance, the U.N. Working Group on Arbitrary Detention, and the U.N. Special Rapporteur on Torture to visit Vietnam to investigate human rights violations. UN officials should be allowed unrestricted access to the central and northern highlands and allowed to visit police stations, district and provincial jails, military-operated detention centers in border areas, as well as prisons such as Ba Sao prison, where many political prisoners are currently held.